

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nora Chanko	Team: Squad #3	CCRB Case #: 201609390	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/21/2016 7:15 PM	Location of Incident: 24th Precinct Stationhouse	Precinct: 24	18 Mo. SOL 3/21/2018	EO SOL 3/21/2018	
Date/Time CV Reported Thu, 11/10/2016 5:38 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 11/10/2016 5:38 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephen Jones	08308	944687	024 PCT
2. DT2 John McDonnell	06887	884330	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephen Jones	Abuse: Police Officer Stephen Jones threatened § 87(2)(b) with the use of force.	
B.DT2 John McDonnell	Abuse: Detective John McDonnell threatened § 87(2)(b) with the use of force.	
C.POM Stephen Jones	Abuse: Police Officer Stephen Jones threatened to arrest § 87(2)(b)	
D.DT2 John McDonnell	Abuse: Detective John McDonnell threatened to arrest § 87(2)(b)	
E.POM Stephen Jones	Abuse: Police Officer Stephen Jones threatened to remove § 87(2)(b) to the hospital.	
F.DT2 John McDonnell	Abuse: Detective John McDonnell threatened to remove § 87(2)(b) to the hospital.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On November 10, 2016, § 87(2)(b) filed this complaint with the CCRB in person.

At approximately 7:15 p.m. on September 21, 2016, § 87(2)(b) was at the community council meeting in Room 206 of the 24th Precinct stationhouse at 151 West 100th Street in Manhattan. § 87(2)(b) brought a cake to the meeting to celebrate the fact that the officers had not adequately investigated crimes she had reported, and PO Stephen Jones of the 24th Precinct asked § 87(2)(b) to step out of the room. While they were in the hallway, Det. John McDonnell of the 24th Precinct joined them, and both officers told § 87(2)(b) that she could not go back into the meeting because she would be disruptive and needed to leave the stationhouse. When § 87(2)(b) refused, both PO Jones and Det. McDonnell threatened her with the use of force, arrest, and removal to the hospital (**Allegations A, B, C, D, E, and F**). An ambulance was called but § 87(2)(b) refused medical attention and left the scene. § 87(4-b), § 87(2)(g)

No video footage was obtained regarding this incident.

Mediation, Civil and Criminal Histories

- This case was determined to be suitable for mediation; however, § 87(2)(b) rejected mediation § 87(2)(b)
- § 87(2)(b) has no conviction history.
- On December 1, 2016, a FOIL request confirmed that § 87(2)(b) had not filed any Notices of Claim regarding the incident (01 Board Review).

Civilian and Officer CCRB Histories

- § 87(2)(b) has been involved with two previous CCRB complaints (02 Board Review) § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- PO Jones has been a member of the NYPD for nine years § 87(2)(b), § 87(2)(g)
§ 87(2)(b)
- Det. McDonnell has been a member of the NYPD for 32 years and has been involved in eight previous CCRB complaints, resulting in 12 allegations, none of which have been substantiated. Case 8901102, which was closed as complaint withdrawn, and 9102488, which was closed as complainant uncooperative, each contain a threat of force, § 87(2)(g)
§ 87(2)(g) Case 9102488 also contains a threat to remove the complainant to the hospital, § 87(2)(g)
§ 87(2)(g)

Findings and Recommendations

Allegations Not Pleaded

- **Abuse of Authority:** § 87(2)(b) alleged that she asked the officers for the cake, steel cake knife, plates, and utensils that she had brought to the meeting, and that when the ambulance arrived, she was told that she could not take the items to the hospital. § 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Stephen Jones threatened § 87(2)(b)
with the use of force.

Allegation B – Abuse of Authority: Detective John McDonnell threatened § 87(2)(b)
with the use of force.

Allegation C – Abuse of Authority: Police Officer Stephen Jones threatened to arrest

§ 87(2)(b)

Allegation D – Abuse of Authority: Detective John McDonnell threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that at approximately 7:15 p.m. on September 21, 2016, she went to the 24th Precinct community affairs meeting to voice her concerns that the officers and Deputy Inspector Marlon Larin were ignoring her reports about crimes that had been perpetrated against her for over a year, and she brought a white sheet cake to the meeting to celebrate the one-year anniversary of this lack of assistance (03 Board Review). § 87(2)(b) unpacked the cake and briefly spoke to Tom Burnett, who runs the meetings. After about three to eight minutes, § 87(2)(b) was approached by PO Jones and Det. McDonnell, who § 87(2)(b) knew from previous interactions. PO Jones asked to speak to § 87(2)(b) and she walked out of the room to a corridor. PO Jones and Det. McDonnell spoke with § 87(2)(b) briefly about her complaints, and then told her that she was not going back into the meeting. § 87(2)(b) said that it was a public meeting and was going to go back inside. The officers said that she was going to disrupt the meeting and told her repeatedly that she had to leave the station house. § 87(2)(b) denied being disruptive at the previous meetings, and said she would wait in the corridor till the meeting ended. When the officers did not provide her with a chair in the corridor, § 87(2)(b) sat on the ground. PO Jones and Det. McDonnell told § 87(2)(b) that she was trespassing, and § 87(2)(b) said that it was a meeting that was open to the public, so she could not be trespassing. The officers repeated that she was trespassing on their property. PO Jones and Det. McDonnell said, “If you don’t leave voluntarily we’re going to make you leave. We’re going to carry you out of here,” multiple times. Soon thereafter, both PO Jones and Det. McDonnell said, “We’ll handcuff you.”

§ 87(2)(b) also stated that later in the interaction when the ambulance arrived, PO Jones and Det. McDonnell told § 87(2)(b) that she had to go to the ambulance or they would carry her out.

PO Jones stated that § 87(2)(b) brought an ice cream cake to the meeting (04 Board Review). § 87(2)(b) had been coming to the meetings for the past year and always disrupted them by talking, complaining, and handing out flyers. PO Jones asked § 87(2)(b) to step into the hallway because he wanted to know what she was going to do with the cake. § 87(2)(b) had not been disruptive prior to him asking her to leave the room. PO Jones did not think that Deputy Inspector Larin, Lieutenant Matthew Bases, or anyone instructed him to remove her from the meeting. § 87(2)(b) and PO Jones walked down the corridor and PO Jones asked § 87(2)(b) what she was going to do with the cake. § 87(2)(b) said that the cake was to celebrate the one year anniversary of the precinct “not doing shit” for her. PO Jones said that he did not think that was a good idea and asked her to take the cake and leave. § 87(2)(b) became excited, animated, and loud. § 87(2)(b) said that she was not leaving and they could not throw her out. PO Jones told § 87(2)(b) that she was trespassing, and § 87(2)(b) said that the meeting was open to the public. PO Jones told the investigation that technically he would have been able to throw her out because she was in the precinct and they can ask her to leave despite the fact that the meeting was open to the public. § 87(2)(b) sat on the floor of the hallway. At some point, Det. McDonnell entered the hallway. PO Jones denied making the statement, “If you don’t leave voluntarily we’re going to make you leave. We’re going to carry you out of here,” and did not hear Det. McDonnell do so. PO Jones did not make any threats to physically carry § 87(2)(b) out of the stationhouse, and said that when the ambulance arrived an EMT spoke to § 87(2)(b) and she got up and walked out of the stationhouse. PO Jones did not tell § 87(2)(b) that he would handcuff her and did not hear Det. Jones make that statement.

Det. McDonnell stated that he was running an errand in the precinct for Deputy Inspector Larin, and when he came upstairs, he saw § 87(2)(b) and PO Jones in the hallway outside the meeting room (05 Board Review). § 87(2)(b) was sitting on the floor of the hallway screaming that she wasn’t leaving and PO Jones was leaning against the wall on the opposite side of the hallway. Det. McDonnell knew § 87(2)(b) because she had been disruptive during previous meetings by yelling, cursing, and interrupting to complain that she is being ignored. Earlier that day, Deputy Inspector Larin told Det. McDonnell and PO Jones that if § 87(2)(b) acted up again during the meeting, they were going to have to tell her that she could sit in the meeting but if she was going to yell, curse, or be disorderly, they were going to have to ask her to leave. Det. McDonnell said that § 87(2)(b) had been asked to leave the meeting because she was being disruptive, but PO Jones did not inform Det. McDonnell of anything that § 87(2)(b) had done. PO Jones told § 87(2)(b) that she could just walk out and go home, and § 87(2)(b) repeated that she was not going to leave the building that there was nothing they could do because she was going to stay there. Det. McDonnell also told § 87(2)(b) that she had to leave, but denied making the statement, “If you don’t leave voluntarily, we’re going to make you leave. We’re going to carry you out of here.” Det. McDonnell did not think he heard PO Jones make that statement. Det. McDonnell did not threaten to physically remove § 87(2)(b) from the stationhouse or carry her out of the stationhouse. Det. McDonnell did not think § 87(2)(b) was told that she was trespassing, and did not know whether she was trespassing. Det. McDonnell has not ever removed anyone from a community affairs meeting, but to his knowledge a community member

can be asked to leave the stationhouse if they are being disruptive. When the EMTs arrived, § 87(2)(b) got up voluntarily and walked out of the stationhouse.

Penal Law 140.05 prohibits a person from knowingly entering or remaining unlawfully in or upon premises (06 Board Review). Patrol Guide Procedure 221-02 states that when trying to gain control of an uncooperative person, officers should advise the person that physical force will be used, if appropriate, and apply no more than the reasonable force necessary to gain compliance (12 Board Review).

§ 87(2)(g)
[REDACTED]

Allegation E – Abuse of Authority: Police Officer Stephen Jones threatened to remove § 87(2)(b) to the hospital.

Allegation F – Abuse of Authority: Detective John McDonnell threatened to remove § 87(2)(b) to the hospital.

§ 87(2)(b) stated that PO Jones and Det. McDonnell said she was not well and was having a medical episode so they were going to call an ambulance (03 Board Review). § 87(2)(b) said that she was perfectly well and that if they let her go to the meeting, the situation would be over. The officers said no, and the threat to call an ambulance continued. Eventually, PO Jones walked down the hall and called 911, despite § 87(2)(b)'s insistence that she did not need an ambulance. The officers said that if she left they would not call the ambulance, but that if she did not leave they would call an ambulance. § 87(2)(b) asked the officers if they were playing doctor, and if she left she would be sane and if she stayed she was insane, and they said yes. Det. McDonnell allegedly said, "We're calling the ambulance, you're going in on a mental hold. You're going to ride the Haldol wave for three days at St. Luke's with people who are really nuts." § 87(2)(b) described her demeanor as agitated and upset, but she did not throw herself on the ground, or have a fit or a seizure. § 87(2)(b)'s hands were shaking during the incident because she is old. § 87(2)(b) said that everyone was speaking at a normal tone of voice. During this time, a few people went in and out of the meeting, and § 87(2)(b) asked them for help getting back into the meeting. § 87(2)(b)'s requests were either not heard or ignored. When the ambulance arrived to the scene, EMTs released § 87(2)(b) after speaking to her.

PO Jones stated that § 87(2)(b) was acting irrationally, which was demonstrated by her refusing to leave, yelling, and sitting on the floor (04 Board Review). There was nothing else about her

behavior that was irrational. PO Jones did not think that § 87(2)(b) was a physical threat to herself or others. PO Jones told § 87(2)(b) that if she kept acting that way he would call an ambulance, and said, “If you walk out now, you won’t have to go with the ambulance.” § 87(2)(b) became more excited and stubborn. The ambulance was called about 20 or 30 minutes after they stepped into the hallway. PO Jones’ primary motivation when calling the ambulance was to have § 87(2)(b) leave so that he could go back into the meeting. He was also concerned about her because she was sitting on the floor, which is not the cleanest, and she was yelling things when people came in and out of the meeting. PO Jones was shown the Aided report, which notes that § 87(2)(b) was emotionally disturbed. When asked if there was anything about her behavior that made him think that she was emotionally disturbed, other than her acting irrationally by sitting on the floor and yelling into the meeting, he said that he thought that § 87(2)(b) probably had “some issues in general” from her previous behavior. PO Jones denied saying, “We’re calling the ambulance, you’re going in on a mental hold. You’re going to ride the Haldol wave for three days at St. Luke’s with people who are really nuts,” and did not hear Det. McDonnell make that statement.

Det. McDonnell stated that after being in the hallway for 10 to 15 minutes, he and PO Jones decided that they were going to have to call an ambulance because § 87(2)(b) may have been emotionally disturbed (05 Board Review). Det. McDonnell believed that § 87(2)(b) might be emotionally disturbed because she was sitting on the ground, yelling, cursing, and refusing to leave the precinct. Det. McDonnell and PO Jones explained that if she did not leave, an ambulance was going to come and check on her because of her behavior. § 87(2)(b) asked what the ambulance was going to do, and Det. McDonnell said that they had to look at her because they were concerned that she was screaming into the room anytime anyone went in or out. Det. McDonnell and PO Jones told § 87(2)(b) that she could wait for the ambulance downstairs and sit in a chair, but she refused and continued to yell at them while they were waiting for the ambulance. Det. McDonnell denied making the statement, “We’re calling the ambulance, you’re going in on a mental hold. You’re going to ride the Haldol wave for three days at St. Luke’s with people who are really nuts,” but he did tell § 87(2)(b) that if she ended up at the hospital they were going to treat her medically and then if they thought she should be seen by a psychiatrist, they may put her on some type of medication. Det. McDonnell also indicated that during this conversation he specifically mentioned Haldol. Det. McDonnell did not remember PO Jones making similar statements to § 87(2)(b) about her being taken to the hospital and treated.

The Event generated regarding the incident notes that an ambulance was called for an emotionally disturbed person at the 24th Precinct stationhouse (11 Board Review). The Aided Report prepared by Det. McDonnell states that § 87(2)(b) was acting irrational, became disruptive, and refused to leave the facility (07 Board Review).

Patrol Guide Procedure 221-13 defines an emotionally disturbed person as a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner likely to result in a serious injury to themselves or others (08 Board Review). This procedure states that such a person must be taken into protective custody.

§ 87(2)(g)

§ 87(2)(g) [Redacted]
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§ 87(4-b), § 87(2)(g) [Redacted]
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Squad: 3

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date